

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

ANDREW LABEAU and MARY LABEAU,	)	
husband and wife,	)	
	)	
Plaintiffs,	)	8:07CV142
	)	
v.	)	
	)	
COLORADO STATE BOARD OF	)	ORDER
AGRICULTURE, COLORADO STATE	)	
UNIVERSITY and KATHERINE ROSE	)	
KERR,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the issue of the place to be designated as the place of trial within Nebraska for this case. On April 17, 2007, the defendants filed a notice of removal (Filing No. 1), removing this case from the District Court of Kimball County, Nebraska, to the United States District Court for the District of Nebraska. In that notice of removal, they designated Omaha, Nebraska, as the place of trial.

This issue is governed by the Local Rules of this Court and in particular, NECivR 40.1(b). It is not an issue of forum non conveniens since the forum remains unchanged and so is a matter governed by local rule alone. Plaintiffs have filed a "jury demand and demand for trial in North Platte, Nebraska" (Filing No. 5), which, in the posture of this case, must be treated as an objection to defendants' designation of Omaha as the place of trial. This objection does not comply with the

local rules and will be denied. Defendants filed an objection and resistance to plaintiffs' demand for trial in North Platte, Nebraska (Filing No. 6), which will be granted. Accordingly,

IT IS ORDERED that trial of this case shall be designated in Omaha, Nebraska.

DATED this 8th day of May, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court